IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

WP(C).No. 25197 of 2007(Y)

PETITIONER:

SREEMAL GANAPATHY DEVASTHANAM,
VADUTHALA, REPRESENTED BY ITS ADHIKARI
M.J.BALACHANDRAN, S/O.LATE JANARDHANAN,
MADHATHIPARAMBIL HOUSE, NEAR GANAPATHY TEMPLE,
VADUTHALA.

BY ADV. SRI.P.VIJAYAKUMAR

RESPONDENTS:
----

1. **THE COMMISSIONER OF POLICE,**
   KOCHI CITY, SHANMUGHAM ROAD, ERNAKULAM.

2. **THE SUB INSPECTOR OF POLICE,**
   ERNAKULAM TOWN NORTH POLICE STATION, ERNAKULAM.

3. **K.R.LAKSHMANAN, S/O LATE RAMANANDHAN,**
   KADAVUKATTUPARAMBU, VADUTHALA, KOCHI-23.

4. **K.L.ANUDAS, S/O.K.R.LAKSHMANAN,**
   KADAVUKATTUPARAMBU, VADUTHALA, KOCHI-23.

5. **M.V.MURALI, S/O.VAMANAN,**
   MALIYAM HOUSE, VADUTHALA, KOCHI-23.

BY ADV. SRI. C.S.MANU for R3-R5
BY GOVERNMENT PLEADER SRI. P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.25197/2007 Y

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF ORDER IN I.A.3011/06 IN O.S.26/04 OF DISTRICT COURT, ERNAKULAM.**

EXT.P2: **COPY OF THE ORDER DTD. 19/02/07 IN C.C.C.499/06.**

EXT.P3: **COPY OF JUDGMENT DTD. 22/02/07 IN WP(C) NO.5367/07.**

EXT.P4: **COPY OF THE REPRESENTATION DTD. 16/08/07 SUBMITTED BEFORE RESPONDENTS 1 & 2.**

/TRUE COPY/

P.S.TO JUDGE

KSS

K. BALAKRISHNAN NAIR & HARUN-UL-RASHID, JJ.

W.P. (C) No.25197 of 2007 - Y

Dated, this the 21st day of August, 2007

JUDGMENT

Balakrishnan Nair, J.

The petitioner is the trustee of a temple. Avani Avittam is falling on the 28th of this month. The members of the community change the sacred thread worn by them on the said day. The petitioner apprehends that there may be law and order problem in the temple, because of some dispute between the Trust and respondents Nos.3 and 4. Therefore this writ petition is filed seeking police protection for the smooth conduct of the religious rites on the Avani Avittam day on 28.8.2007.

3. The learned Government Pleader on instructions submitted that the police will extend necessary protection.

4. The learned counsel for respondents Nos.3 to 5 submitted that though they are also members of the community, they apprehend that they may not permitted to participate in the above said ceremony. The learned counsel for the petitioners submits that those respondents have failed to give subscription to the Devaswom at the rate of Rs.51/- per person. For their failure, they have been suspended from the membership of the general body. The learned counsel for the contesting respondents denied this allegation. He points out that though subscription was paid, the same was returned.

5. The learned counsel for the petitioner undertook that if the respondents pay the subscription at the rate of Rs.51/- with a request for re-admission to the general body, they shall be allowed to participate in the Avani Avittam ceremony. This submission is recorded.

6. We record the submission of the contesting respondents that they do not propose to create any law and order problem on the Avani Avittam day. If there is any breach of peace or threat of breach of peace, the petitioner may move the 2nd respondent. In that event, the 2nd respondent will extend protection and ensure prevention of breach of peace.

The writ petition is disposed of as above.

K. BALAKRISHNAN NAIR

JUDGE

HARUN-UL-RASHID,
JUDGE.

mt/